

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>CASE NO: 4:24-CR-1</b>
	)	
<b>AUSTIN MICHAEL BURAK</b>	)	

**MOTION TO DISMISS  
COUNTS ONE AND THREE OF THE SUPERSEDING INDICTMENT**

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the Acting United States Attorney for the Southern District of Georgia, through undersigned counsel, hereby moves to dismiss Counts One and Three of the Superseding Indictment. Doc. 26.

1. On January 10, 2024, a grand jury in the Southern District of Georgia indicted and charged Defendant with attempted coercion and enticement of a minor, in violation of Title 18, United States Code, Section 2422(b) (Count One); abusive sexual contact of a minor, and attempt in violation of Title 18, United States Code, Section 2244(a)(5) (Count Two); coercion and enticement of a minor to engage in sexual activity, in violation of Title 18, United States Code, Section 2422(b) (Count Three); and aggravated sexual abuse of a minor, and attempt, in violation of Title 18, United States Code, Section 2241(c) (Count Four).

2. A superseding indictment was returned on March 6, 2024; there were no substantive changes in the offenses charged. Doc. 26.

3. On April 3, 2025, the Court issued a Criminal Trial Management Order scheduling trial to commence on May 13, 2025. Doc. 118.

4. The offenses stem from allegations that the Defendant sexually molested two minor boys in August of 2017, in the territorial jurisdiction of the United States – Fort Stewart Military Reservation.

5. The alleged conduct is appropriately accounted for in Count Two (abusive sexual contact of a minor, and attempt) and Count Four (aggravated sexual abuse of a minor).

6. To streamline the evidence and case presentation and avoid unnecessary jury confusion, the Government intends to proceed to trial on Counts Two and Four of the superseding indictment and requests that Counts One and Three be dismissed.

7. Fed. R. Crim. Proc. 48(a) states that “[t]he government may, with leave of court, dismiss an indictment, information, or complaint.”

WHEREFORE, the Government requests Counts One and Three of the superseding indictment be dismissed.

Respectfully submitted,  
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ACTING UNITED STATES ATTORNEY

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